

Application No.: 10/582,806
Office Action dated September 11, 2008
Amendment and Response dated January 8, 2009
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Remarks/Arguments:

Introduction

Claims 1-15 and 18-23 are pending in the application. Claims 16 and 17 have been deleted. Claims 1 and 5 have been amended. Claims 22 and 23 have been newly added. No new matter has been introduced.

Section 112 Rejections

Claims 1-21 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the Examiner alleges that some claim terminology does not have proper antecedent basis. Applicants respectfully submit that with the claim amendments presented herewith the Section 112 concern are obviated. Reconsideration and withdrawal of the Section 112 rejections are respectfully requested.

Section 101 Rejections

Claim 17 was rejected under 35 U.S.C. §101 as allegedly having results in an improper definition of a process. In the interest of advancing prosecution, claim 17 has been cancelled and the rejection is obviated. Thus, withdrawal of the Section 101 rejection is respectfully requested.

Section 102 Rejections

Claims 1-3 and 14 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 3,886,519 to Hovland (hereinafter "Hovland"). Applicants respectfully traverse.

Amended claim 1 recites an actuating means is controlled by a hand held controller or transmitter and the housing contains a microprocessor for receiving a signal from the hand held remote controller or remote control transmitter for control of the actuating means as well as control of traffic indicators.

Hovland is directed to a switch 56 which powers electric motor 40 so as to allow winch 42 to unwind cable 46 allowing gravity to carry the gate or barrier arm 32 to the position, as shown in Figure 1. When barrier arm 32 reaches the position shown in Figure 1, it contacts microswitch 60 on superstructure 18. When power is fed to electric motor 40 in an opposite direction this causes winch 42 to wind up on the cable 46 to cause barrier arm 32 to be wound back to the Figure 2 position. When the barrier arm 32 reaches the position shown in Figure 2, the offset position 36 of barrier arm 32 contacts a microswitch 64 and thus, power to electric motor 40 is interrupted.

Hovland's procedure is extremely cumbersome, needing an electric motor 40, microswitches 60 and 64 and a lead 58 connecting switch 56 to motor 40 as well as further leads connecting motor 40 to microswitch 60. In contrast, claim 1 recites a use of a hand held remote controller or remote control transmitter. Hovland's switch 56 is not hand held and clearly it is not a remote controller.

Claim 2 and claim 3 include all the limitations of claim 1, and thus are clearly distinguishable over Hovland. Therefore, Hovland fails to disclose the present invention as defined by independent claim 1 and depending claims therefrom. Reconsideration and withdrawal of the Section 102 rejections over Hovland are respectfully requested.

Section 103 Rejections

Claims 1, 3, 5, 6, 9, 10-12 and 18 were rejected under 35 U.S.C. §103(a) as allegedly being anticipated by U.S. Patent No. 4,681,479 to Wagner *et al.* (hereinafter "Wagner") in view of U.S. Patent No. 4,658,543 to Carr (hereinafter "Carr"). Applicants respectfully traverse.

Independent claim 1 is directed to a portable trolley having at least one support wheel. In contrast, Wagner recites that reference numeral 26 refers to a base which together with side plates 38 and 40 form a U-shaped bracket. Wagner is not capable of forming a trolley which functions as a vehicle having ground supporting wheels or castors. Wagner is devoid of any such teachings or suggestions with respect to a portable trolley, as recited in the claims. Additionally, Wagner does not disclose a hand held remote controller or remote control transmitter.

The Examiner cites Carr for the hand held radio controller. While reference is made to a remote controller, Carr does not disclose that the remote controller operates a traffic indicators, as set out in amended claim 1. Further, Carr fails to overcome the deficiencies of Wagner because Carr teaches a lift gate mounted to a post. Carr is devoid of any teachings or suggestions of a portable unit or traffic indicators.

Therefore, Applicants find no basis and no support for the Examiner's allegation of obviousness in view of Wagner and/or Carr, alone or in combination. Withdrawal of the rejection 103 is respectfully requested.

Claims 4, 7 and 8 were rejected under 35 U.S.C. §103(a) as allegedly being anticipated by U.S. Patent No. 4,681,479 to Wagner *et al.* (hereinafter "Wagner") in view of U.S. Patent No. 4,658,543 to Carr (hereinafter "Carr"), and further in view of U.S. Patent No. 3,975,861 to Baump *et al.* (hereinafter "Baump"). Applicants respectfully traverse. The arguments above with respect to Wagner and Carr equally apply herein as the claims depend from claim 1. Specifically, Wagner

and Carr fail to teach or suggest a portable trolley with at least one support wheel, traffic indicators, remote controller which operates actuating means and traffic indicators. Additionally, the Examiner acknowledges that Wagner and Carr do not teach or suggest a belt or chain drive connecting the motor to the pivot arm. The Examiner looks to Baump to overcome this deficiency, however, Baump fails to overcome the above-discussed deficiencies of Wagner and Carr. Baump teaches a parking gate. Baump clearly does not teach a portable parking trolley, as recited in the claims. Further, Baump does not teach a remote controller, as recited in the claims.

Therefore, Applicants find no basis and no support for the Examiner's allegation of obviousness in view of Wagner, Carr, and Baump, alone or in combination. Withdrawal of the rejection 103 is respectfully requested.

Claim 13 was rejected under 35 U.S.C. §103(a) as allegedly being anticipated by U.S. Patent No. 4,681,479 to Wagner *et al.* (hereinafter "Wagner") in view of U.S. Patent No. 4,658,543 to Carr (hereinafter "Carr"), and further in view of U.S. Patent Application No. 2003/0112121 to Wilson (hereinafter "Wilson"). Applicants respectfully traverse. The arguments above with respect to Wagner and Carr equally apply herein as the claim depends from claim 1.

Wilson is directed to a universal garage door operating system. Wilson does not teach or suggest a trolley or a remote controller to operate the actuating means and control traffic indicators. Further, Wilson does not teach or suggest an IR receiver that transmits a signal to an RF receiver which sends a signal to a microprocessor which actuates the drive motor for causing movement.

In fact, Wilson is directed to an extremely different problem and an entirely different device. Wilson teaches that the wireless garage door transmitter can control the operation of a garage door. Wilson is devoid of any teaching or suggestion to a boom gate apparatus. One skilled in the art of boom gate apparatus would clearly not look to the field of garage door openers to solve the problem of a portable trolley.

Therefore, Applicants find no basis and no support for the Examiner's allegation of obviousness in view of Wagner, Carr, and Wilson, alone or in combination. Withdrawal of the rejection 103 is respectfully requested.

Claims 2, 14, 15, 19 and 20 were rejected under 35 U.S.C. §103(a) as allegedly being anticipated by U.S. Patent No. 4,681,479 to Wagner *et al.* (hereinafter "Wagner") in view of U.S. Patent No. 4,658,543 to Carr (hereinafter "Carr"), and further in view of U.S. Patent No. 5,294,138 to Yang (hereinafter "Yang"). Applicants respectfully traverse. The arguments above with respect to Wagner and Carr equally apply herein as the claims depend from claim 1.

Yang discloses a traffic control casing mounted on wheels and having an indicator arm which is actuated by a control drive shaft extending out of a casing which has a suitable drive motor and associated gearing within the casing. Yang does not teach or suggest a remote controller operating various elements as recited in the claims.

Therefore, Applicants find no basis and no support for the Examiner's allegation of obviousness in view of Wagner, Carr, and Yang, alone or in combination. Withdrawal of the rejection 103 is respectfully requested.

Claims 16, 17 and 21 were rejected under 35 U.S.C. §103(a) as allegedly being anticipated by U.S. Patent No. 4,681,479 to Wagner *et al.* (hereinafter "Wagner") in view of U.S. Patent No. 4,658,543 to Carr (hereinafter "Carr"), and further in view of U.S. Patent No. 5,442,878 to Flores (hereinafter "Flores"). Applicants respectfully traverse. Claims 16 and 17 have been cancelled. In regards to claim 21, the arguments above with respect to Wagner and Carr equally apply herein as claim 21 depends from claim 1.

Flores is directed to a break-resistant railroad crossing gate. Flores railroad gate is stationary unlike the presently claimed invention. Flores does not teach or suggest a portable trolley. Flores does not overcome the deficiencies of Wagner and Carr as detailed above.

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Therefore, Applicants find no basis and no support for the Examiner's allegation of obviousness in view of Wagner, Carr, and Flores, alone or in combination. Withdrawal of the rejection 103 is respectfully requested.


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CONCLUSION:

Therefore, Applicants respectfully submit that claims 1-15 and 18-23 are patentably distinct. This application is believed to be in condition for allowance. Favorable action thereon is therefore respectfully solicited.

Should the Examiner have any questions or comments concerning the above, the Examiner is respectfully invited to contact the undersigned attorney at the telephone number given below.

Respectfully submitted,



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